

Article - Health - General

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§10–808.

(a) In this section, “federal agency” means the Department of Veterans Affairs or any other agency of the United States government.

(b) Whenever the transfer of an individual to a federal agency is planned under this section, the Director or administrative head of a facility, with the consent of the individual, shall notify the parent or next of kin of the individual about the transfer. In the case of a minor child or an individual who is assigned a legal guardian, the parent of the minor child or the legal guardian of the individual shall be notified of any planned transfer.

(c) (1) The Director may transfer an individual from a facility to a Veterans’ Administration hospital in this State, if the individual is entitled to benefits in that hospital.

(2) After the transfer, the chief officer of the Veterans’ Administration hospital has all the powers and rights of the Administration as to that individual.

(d) (1) If a court of competent jurisdiction of any other state commits an individual to a federal agency for care or treatment, the commitment judgment or order affects the individual, while the individual is in this State, to the extent that the judgment or order would affect the individual in the other state.

(2) The courts of the committing state have continuing jurisdiction over the committed individual to inquire into the mental condition of that individual and determine the need to continue commitment.

(3) Retention, custody, transfer, parole, and release of the committed individual are governed by the law of the committing state.

(e) (1) The administrative head of a facility may transfer any individual to a federal agency for care or treatment if the federal agency certifies that facilities are available for the individual and that the individual is eligible for care or treatment.

(2) The facility shall give a proper officer of the court that ordered commitment notice of the transfer when it is made.

(3) An individual may not be transferred under this subsection if the individual is confined under a conviction of a crime or if the individual is committed under Title 12 of this article unless, after appropriate motion and hearing, the court or other authority that committed the individual orders the transfer.

(f) Any individual transferred under this section is deemed to be committed to the federal agency under the original commitment.

(g) This section applies to residents and nonresidents of this State found in this State or on any federal reservation in this State.

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